

REMARKS

The Examiner's attention to the present application is noted with appreciation, particularly that claims 12-24 are allowable and that claims 7, 26-29, and 33 are allowable if rewritten in independent form. However, for the reasons set forth herein, it is submitted that all claims are allowable.

The Examiner rejected claims 1-6 and 8-11 under 35 U.S.C. 102(e) as being anticipated by Ishikawa, and rejected claims 25, 30-32, and 34 under 35 U.S.C. 103(a) as being unpatentable over Sumser et al. in view of Ishikawa. Such rejections are respectfully traversed. The 102(e) date of Ishikawa is November 4, 2003. See MPEP § 2136. The present application is based on U.S. Provisional Patent Application Serial No. 60/425,933, filed on November 13, 2002, and properly contains a specific reference to said provisional application per the requirements of 35 U.S.C. 119(e). However, due to a filing error, the present application does not claim the benefit of the filing of the aforesaid provisional patent application. Therefore, submitted herewith is a 37 CFR 1.131 declaration, which establishes that the present invention was reduced to practice prior to the 102(e) date of Ishikawa. The present claims do not claim the same invention as Ishikawa.

The subject matter of claims 1-6 and 8-11 is disclosed in the aforesaid provisional application. Compare, e.g., claim 1 of the present application with proposed claims 1 and 2 of the provisional application; further compare Figs. 1 to 14 of the present application with Figs. 1 to 14 of the provisional application, the figures being substantively identical. Therefore Ishikawa may not be cited against the present invention.

In view of the foregoing, allowance of all claims is respectfully requested. If any issues remain, or if the Examiner believes that prosecution of this application might be expedited by discussion of the issues, the Examiner is cordially invited to telephone the undersigned attorney for Applicant at the telephone number listed below, or Ephraim Starr, Reg. No. 41,325, attorney of record for applicant, at (310) 791-9120.

Respectfully submitted,

By:



Stephen A. Slusher, Reg. No. 43,924
Direct line: (505) 998-6130

PEACOCK, MYERS & ADAMS, P.C.
Attorneys for Applicant(s)
P.O. Box 26927
Albuquerque, New Mexico 87125-6927
Telephone: (505) 998-1500
Facsimile: (505) 243-2542

HONEYWELL – GARRETT ENGINE BOOSTING SYSTEMS
23326 Hawthorne Blvd., Suite 200
Torrance, California 90505-3756
Telephone: (310) 791-9120
Facsimile: (310) 791-9125

G:\AMDS\Garrett\OA Response H0004764.doc